

MEMORANDUM

CITY OF GRAND RAPIDS

DATE: November 6, 2017

TO: Greg Sundstrom
City Manager

FROM: Suzanne Schulz
Managing Director of Design, Development and Community Engagement

SUBJECT: Housing Advisory Committee Recommendation #3 – Incentives for small scale development

The Housing Advisory Committee recommended the City develop incentives for small scale residential development. Small scale development is also referred to as “missing middle” housing consisting of multi-unit housing types such as duplexes, fourplexes, bungalow courts and mansion apartments that are not bigger than a large house.

From a zoning perspective, in order to incentivize or encourage this type of development pattern zoning ordinance amendments must be made so to eliminate barriers to this development, including review process and modifying current site layout and building placement standards.

Based on early feedback from the development community, proposed zoning changes include:

- Reduce minimum dwelling unit width from 18 feet to 14 feet.
- Allow the construction of two-family residential developments by-right in the LDR zone district when located on a corner parcel or within one-hundred (100) feet from a TBA, TOD, TCC or C zone district. Also, align two-family lot width and area requirements with single family residential.
- Eliminate minimum lot area requirement (20,000 sq. ft.) for multi-family residential developments.
- Allow the construction of multi-family residential developments by-right in the LDR zone district when all of the following criteria is met:
 - Located within one-hundred (100) feet from a TBA, TOD, TCC or C zone district
 - No more than 4 units per building
 - Complies with maximum building width and footprint
 - Development complies with form standards

These changes are designed to work in conjunction with a design guidelines manual so that the preservation of existing neighborhood character is considered in each by-right development. Design guidelines would need to be codified. Additional form-based architectural requirements may increase initial construction costs, but the long term benefit of neighborhood design will help keep property values stable.

Recent neighborhood feedback has informed us that current building form standards have failed to adequately protect existing neighborhood character. The Planning Department has received

complaints on lack-luster front stoops, flat facades (lack of architectural articulation) and incompatible design. The development of neighborhood design guideline manual with subsequent zoning changes could help address concerns.

Before these changes are made, the community should consider:

- Will this change affect the character of the neighborhood?
- Will this change affect the City's image in general?
- This change could result in the loss of existing single-family residential dwellings in favor of new multi-family developments along major and regional streets.
- This change could result in the conversion of existing single-family housing to a higher density residential structure.
- These changes will not directly increase the number of affordable housing units, but it could create conditions that support an increase in housing supply.
- Does that City have adequate enforcement capacity to support additional residential density?

Attached is a proposed ordinance amendment that would implement the recommendation.

ARTICLE 5 RESIDENTIAL ZONE DISTRICTS

Section 5.5.01.	Residential Zone Districts: Purpose and Intent.
Section 5.5.02.	Traditional Neighborhood Residential Zone Districts: Purpose and Intent.
Section 5.5.03.	Mid-20 th Century Neighborhood Residential Zone Districts: Purpose and Intent.
Section 5.5.04.	Modern Era Neighborhood Residential Zone Districts: Purpose and Intent.
Section 5.5.05.	Uses of Land.
Section 5.5.06.	Site Layout and Building Placement Requirements.
Section 5.5.07.	Building Element Requirements.

Sec. 5.5.01. Residential Zone Districts: Purpose and Intent.

- A. Residential Zone Districts are divided into Low-Density Residential (LDR) Districts and Mixed-Density Residential (MDR) Districts within the framework of the three (3) Neighborhood Classifications of Traditional Neighborhoods (TN), Mid-20th Century Neighborhoods (MCN), and Modern Era Neighborhoods (MON).
- B. LDR, Low-Density Residential District. The Low-Density Residential District is intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain the desired physical characteristics of the city's existing neighborhoods.
 - 1. The density ranges for each Low-Density Residential Zone District varies based upon the Neighborhood Classification in which it is located.
 - 2. Site and building placement regulations, as well as requirements for building elements, take the built environment into consideration as many of the areas that include this Zone District are in existing developed areas.
- C. MDR, Mixed-Density Residential District. The Mixed-Density Residential District is intended to create, maintain and promote a variety of housing types in areas where development already exists or where it is desired in the future.
 - 1. The density ranges for each mixed-density Zone District varies based upon the Neighborhood Classification in which it is located, but generally accommodates moderate- to high-density housing, including detached single-family houses, attached single-family dwellings, two-family dwellings, and multiple-family residential buildings.
 - 2. Site and building placement regulations, as well as requirements for building elements, have taken the built environment into consideration. The Master Plan recommendations in Section 10.0 *Development Character* and Section 10.9 *Higher Quality Medium and High-Density Residential Design* shall be used in site design, except where it is impractical or inconsistent with the neighborhood.

Sec. 5.5.02. Traditional Neighborhood Residential Zone Districts: Purpose and Intent.

- A. TN-LDR, Traditional Neighborhood—Low-Density Residential Zone District. The TN-LDR District is intended to protect established development patterns, consisting predominantly of medium-low density residential development in the form of detached single-family houses and two-family dwellings sited on individual lots. Pockets of medium- to high-density residential development are generally found along transit routes, near to business districts and along major streets. The redevelopment of sites shall remain consistent with this pattern of development.

- B. TN-MDR, Traditional Neighborhood—Mixed-Density Residential Zone District. The TN-MDR District is intended to provide a variety of housing choices in a spatially diverse manner while protecting established development patterns. Mixed-density neighborhoods are generally found along transit routes, near to business districts and along major streets. They often act as a transition between lower density residential development and non-residential uses. Redevelopment shall remain consistent with this pattern of development. The redevelopment of former commercial sites is a significant objective through context sensitive architectural designs and features common to the area.

Sec. 5.5.03. Mid-20 Century Neighborhood Residential Zone Districts: Purpose and Intent.

- A. MCN-LDR, Mid-20th Century Neighborhood - Low-Density Residential Zone District. The MCN-LDR District is intended to protect the established development pattern, consisting predominantly of low-density residential development characterized by single-family detached houses on individual lots with garages located to the side or rear of the main building. New development and building renovation shall be compatible with the valued characteristics of the existing built environment. To that end, a coordinated variety in design is encouraged. The repeated use of identical facade designs shall be avoided.
- B. MCN-MDR, Mid-20th Century Neighborhood - Mixed-Density Residential District. The MCN-MDR District is intended to provide a variety of housing choices in a spatially diverse manner. The established development pattern, consisting predominantly of low-density residential development characterized by two-family dwellings and small multiple family buildings, shall act as a transition between lower density residential development and non-residential uses. Context-sensitive architectural designs and features common to the area shall be used in the redevelopment of former commercial sites.

Sec. 5.5.04. Modern Era Neighborhood Residential Zone Districts: Purpose and Intent.

- A. MON-LDR, Modern Era Neighborhood - Low-Density Residential Zone District. The MON-LDR District is intended to reflect the low-density development pattern of single-family detached houses on large lots. The repeated use of identical facade designs shall be avoided. The preservation of natural features such as wetlands, woods and steep slopes are important components shall be included in development plans for a site.
- B. MON-MDR, Modern Era Neighborhood - Mixed-Density Residential Zone District. The MON-MDR District is intended to permit the moderate- to high-density single-use development pattern that presently exists; however, it strongly encourages the redevelopment of these properties into a mixed-density format where a variety of housing densities and styles are provided. The preservation of natural features such as wetlands, woods and steep slopes are important components and shall be included in development plans for a site.

Sec. 5.5.05. Uses of Land.

- A. Land Uses. Uses are allowed in residential Zone Districts in accordance with Table 5.5.05.B. Uses: Residential Zone Districts. Article 16 Definitions shall be referred to for clarity on the uses as listed. The following key is to be used in conjunction with the Use Table.
 - 1. Permitted Uses. Uses permitted by right in the Zone District, subject to compliance with all other applicable requirements of this Chapter. These uses are identified with a "P."

2. Special Land Uses. Uses which may be allowed subject to review and approval by the Planning Commission in accordance with Section 5.12.09., and all other applicable requirements of this Chapter. These uses are identified with an "S."
3. Existing Uses. Uses that were in existence prior to November 5, 2007 may continue to exist as non-conforming uses. These uses are identified with an "E." See Section 5.3.05.F.
4. Uses Not Allowed. Uses are prohibited in that Zone District. These uses are identified with an "X".
5. Use Regulations. Certain allowed uses, whether Permitted Uses or Special Land Uses, are subject to compliance with Article 9 or other provision of this Chapter or other City Code. These uses are identified under "Use or Other Regulations." A cell marked with "—" under this heading indicates that there are no additional use requirements. However, there may be other applicable regulations in this Chapter or other City Code for the uses listed that are not noted in the Use Table.
6. Unlisted Uses. Uses not listed in the Table 5.6.06.B. are also prohibited unless the Director determines that the use is similar to other uses listed either as a Permitted Use or Special Land Use in accordance with Section 5.4.04.
7. Site Development. Vehicle and bicycle parking requirements and pedestrian circulation requirements are in Article 10 Transportation and Mobility. Landscaping requirements are in Article 11 Landscaping and Green Infrastructure. Sign requirements are in Article 15 Signs.

B. Allowed Uses Table.

Table 5.5.05.B. Uses: Residential Zone Districts					
Use Category	Specific Use	TN, MCN, MON		Use or Other Regulations	
		LDR	MDR		
RESIDENTIAL					
Household Living	Single-family dwelling, detached	P	P	5.2.07.	
	Single-family dwelling, attached	S	P	5.9.06.	
	Two-family dwelling - existing	E	P	5.3.05.F.	
	Two-family dwelling - new construction	P/S	P	5.5.05.C., 5.5.06.	
	Multiple family dwelling Multiple family	Small (4 or less units/building)	P/S/X	P	5.5.05.CD., 5.9.20.
		Other (5 of more units/building)	S/X	P	5.5.05.D., 5.9.20
	Manufactured housing community	X	P	5.9.17.	
	Adult foster care	Family home (1-6 residents)	P	P	5.9.04.
		Small group home (7-12 residents)	S	S	
		Large group home (13-20 residents)	X	S	
	Assisted living center	S	S	—	
	Nursing/convalescent home	S	S	—	
	Residential rehabilitation facility	S	S	5.9.29.	
	Rooming or boarding house	S	S	5.9.30., Chapter 116	
	Single room occupancy (sro)	X	S	5.9.32.	
Transitional or emergency shelter	X	S	5.9.36.		
Accessory Uses	Accessory dwelling unit	S	S	5.9.03.	
	Accessory structure	P	P	5.2.08.	
	Child care home	Family home (1-6 children)	P	P	—
		Group home (7-12 children)	S	S	—
	Home occupation (Class A and Class B)	P	P	5.9.14., Chapter 116	
EDUCATIONAL, GOVERNMENT AND INSTITUTIONAL					
Educational	All educational uses	S	S	—	
	Technical, vocational, and trade school	S	S	—	
Government and Institutional	Adult day care center	X	S	5.9.04.	
	Cemetery	P	P	—	
	Child care center	S	S	5.9.09.	
	Community center	S	S	—	
	Community garden	P	P	—	
	Hospital	S	S	—	
	Library	P	P	—	
	Park, playground, plaza, square, urban open	P	P	5.11.14.	
	Police and fire station	S	P	—	
	Religious institution	S	S	—	
	Social service facility (w/o residential care)	S	S	5.9.34.	

Table 5.5.05.B. Uses: Residential Zone Districts					
Use Category	Specific Use	TN, MCN, MON		Use or Other Regulations	
		LDR	MDR		
COMMERCIAL, INDUSTRIAL AND UTILITIES					
Commercial	Bed and breakfast	S	P	5.9.08., Chapter 116	
	Golf course, country club	P	P	—	
	Live-work unit	S	S	5.9.16.	
Industrial or Transportation	Mineral extraction	S	S	5.9.21.	
	Off-street parking, non-residential	S/X	S	5.5.05. ED .	
Utilities	Electrical substations and private utilities		P	P	5.9.11.
	Wireless communication facilities	Co-located antenna	P	P	5.9.41.
		Freestanding/tower	X	X	—
P = Permitted; S = Special Land Use; E = Existing; X = Not Permitted; “—“ = Not Applicable					

C. Two-Family Residential Use Restrictions.

a. The construction of a two-family residential dwelling is a Permitted Use within the LDR zone district when the parcel is located within one-hundred (100) linear feet of a TBA, TOD, TCC or C zone district as measured from the closest point of the parcels along the public right-of-way or where located on a corner parcel.

C.D. Multiple-Family Residential Use Restrictions.

1. Purpose. The appropriateness of multi-family residential development within the City's neighborhoods is dependent on location and building form. For this reason, the review process of multiple-family development varies within each residential zone district.

a. Within the MDR zone districts, multiple-family residential dwellings are a permitted use, subject to the use regulations of Section 5.9.20.

b. Within the LDR zone districts, in addition to the use regulations of Section 5.9.20, the following review standards shall apply:

i. Permitted Use. The construction of a Small Multiple-Family Residential development as defined in Article 16, is considered a permitted use when the parcel is located within one-hundred (100) linear feet of a TBA, TOD, TCC or C zone district as measured from the closest point of the parcels along the public right-of-way.

ii. Not Permitted. Within the Roosevelt Park Neighborhood, Grandville Avenue provides a unique cadence of commercial and residential experiences along the corridor represented by pockets of Traditional Business Areas (primarily at corner properties) and longer stretches of detached single-family residential dwellings. The neighborhood desires to maintain this character. The ASP strongly promotes multi-family development in the TBA Zone District to insure a diversity of housing types and the desired density near transit nodes. ~~Applicability.~~ In light of the ASP recommendations, within the

established boundaries of the approved ASP, Multiple-Family Dwellings are not a permitted use within the TN-LDR Zone District.

- iii. Special Land Use. The construction of a Multiple-Family Residential development not meeting the requirements of 5.5.05.D.1.a. and 5.5.05.D.1.b. above shall be reviewed as a Special Land Use.

~~4.~~

D.E. Off-Street Parking Restrictions.

Within the Grandville Avenue ASP, a parking hold line was established to delineate appropriate locations for non-residential off-street parking locations.

1. Surface parking lots that extend beyond the TBA Zone District hold line shall be prohibited
2. Off-street parking facilities as a principal use of a lot, is not permitted within the TN-LDR Zone District.

Sec. 5.5.06. Site Layout and Building Placement Requirements.

- A. Site Layout and Building Placement Table. All development in Residential Zone Districts must comply with the requirements in Table 5.5.06.A. unless otherwise expressly stated, or unless a different requirement is contained in an applicable Overlay District. Lot area and lot width requirements listed in Table 5.5.06.A. shall be used where there is not an established lot size.

Table 5.5.06.A. Site Layout and Building Placement: Residential Zone Districts								
Neighborhood Classification		TN		MCN		MON		Use or Other Regulations
Zone District		LDR	MDR	LDR	MDR	LDR	MDR	
Minimum Lot Area (sq. ft./unit – except as noted)								
Detached single-family, interior		3,800 ¹	2,500 ¹	5,000 ¹	3,000 ¹	7,000 ¹	3,500 ¹	5.5.06.B.
Detached single-family, corner		5,000	3,000	6,000	4,000	8,000	4,500	
Attached single-family		3,000	2,250	3,500	3,000	4,500	4,000	5.5.06.B. 5.5.08.
Two-family (total)		6,000 ¹	5,000 ¹	7,000 ¹	6,000 ¹	9,000 ¹	8,000 ¹	5.5.06.B.
Multiple family/ group living	Minimum (sq. ft./unit)	2,000	1,250	2,500	1,500	2,750	1,750	5.5.09.
	Minimum lot area (total sq. ft.)	20,000 ² -	20,000 ² -	20,000	20,000	25,000	25,000	5.9.20.
Non-residential uses		6,000	6,000	6,000	6,000	6,000	6,000	5.6.07.B.
Minimum Lot Width (ft.)								
Detached single-family, interior		36 ¹	36 ¹	42 ¹	42 ¹	60 ¹	60 ¹	5.5.06.C.
Detached single-family, corner		50	50	70	60	70	70	
Attached single-family (per unit)		30	25	35	30	45	40	
Two-family		60 ¹	50 ¹	70 ¹	60 ¹	90 ¹	80 ¹	
Multiple family/group living		90	80	100	90	100	100	
Non-residential uses		80	80	80	80	100	100	—
Minimum Setbacks and Yards for Residential Uses (ft.)								
Required Building Line (RBL)		27 ¹	22 ¹	35 ¹	30 ¹	—	—	5.5.06.D.
Front setback		—	—	—	—	30	20	
Interior Side Setback	One side	5	5	7	5	7	7	5.5.06.E.
	Total both sides	14	14	18	14	18	20	
Corner Side Setback	One side	5	5	7	5	10	7	5.5.06.E.
	Total both sides	20	20	20	20	25	20	
Rear Setback		25	20	25	30	40	30	5.5.06.F.
Minimum Setbacks and Yards for Non-Residential Uses (ft.)								
Front setback		20	20	25	25	25	25	5.5.06.D.
Side setback		10	10	10	10	20	20	5.5.06.E.
Rear setback		25	25	30	30	30	30	5.5.06.F.
See Section 5.11.11.C. for minimum buffer widths where non-residential uses abutting residential uses.								
Building Facade Along RBL (%)		60	60	50	50	—	—	5.5.06.G.

Table 5.5.06.A. Site Layout and Building Placement: Residential Zone Districts							
Neighborhood Classification	TN		MCN		MON		Use or Other Regulations
Zone District	LDR	MDR	LDR	MDR	LDR	MDR	
Minimum Green Space at Grade (% of lot area)							
Detached single-family	40	30	50	40	60	50	5.5.06.H.
Attached single-family	40	20	50	30	60	40	
Two-family	35	20	40	25	50	30	
Multiple family	30	20	30	25	30	30	
Non-residential uses	30	30	30	30	30	30	
Minimum Tree Canopy (% of lot area)							
Multiple-family/group living	37	34	48	41	51	35	5.11.09.
Non-residential uses	37	34	48	41	51	35	
¹ This dimension shall apply in areas not established, per Sections 5.2.05.C. and 5.5.06.B-D. ² See Section 5.5.06.B.4.							
"—" = Not Applicable							

B. Lot Area.

1. The minimum lot area requirement may not permit allowed densities on every lot. Other factors, such as off-street parking, height limits, dwelling unit sizes and lot configuration may limit the built density.
2. Lot Areas Not Established. On blocks where lot areas are not established, Table 5.5.06.A. Site Layout and Building Placement shall apply.
3. Established Lot Areas. On blocks where lot areas are established, the following shall apply:
 - a. Detached Single Family Dwellings.
 - i. For detached single-family dwellings on interior lots, the lot area shall be at least the median lot area of interior single-family lots on the same block and. For the purposes of this calculation, the same block is defined as both block faces, in the same Zone District, not to exceed five (5) lots on each side of the subject parcel and five (5) lots directly across the street on which there is at least one (1) conforming main structure.
 - ii. For detached single-family dwellings on corner lots, the minimum lot area in Table 5.5.06.A. shall apply.
 - b. Two Family Dwellings.
 - i. For two-family dwellings meeting the locational requirement of Section 5.5.05.C.a, the minimum lot area may be equal to the median lot area of single-family lots on

the same block and are not eligible for any lots area reductions as provided in Section 5.5.06.B.3.b.iii and 5.5.06.B.3.b.iv.

ii. ~~For~~ Except as otherwise permitted above, ~~For~~ two-family dwellings, the minimum lot area shall be thirty (30) percent larger than the median lot area of single-family lots on the same block. For the purposes of this calculation, the same block is defined as both block faces, in the same Zone District, not to exceed five (5) lots on each side of the subject parcel and five (5) lots directly across the street.

~~i.~~

iii.iii. Reduction (up to one [1]). The minimum lot area may be reduced by an additional ten (10) percent beyond that required in b.ii. above where all of the following conditions apply:

- (a) Both units are priced at or below thirty (30) percent of the area median household income (as determined by the American Community Survey of the U.S. Census Bureau), as adjusted for family size, for the census tract in which the development is located, with affordability maintained for at least fifteen (15) years.
- (b) The units are comparable in size, amenities and location with other similar units in the same block.
- (c) The property owner agrees to the submission of annual reports to the City regarding certification of eligible tenants and purchasers, annual certification of rental property and monitoring of affordable rental housing requirements.

iii.iv. Reduction (up to two [2]). The minimum lot area may be reduced by an additional ten (10) percent for each dwelling unit that is designed and constructed to meet the Type B Unit accessibility requirements of the ANSI A117.1. standard.

iv.v. Reductions may be combined for a cumulative reduction of up to thirty (30) percent.

Table 5.5.06.B.3. Use of Minimum Lot Area/Width Reductions Two Family Dwellings - LDR and MDR Zone Districts	
Reductions Used	Required % of Lot Area/Width Above Median Single-Family Lot Requirements
None	30%
1	20%
2	10%
3	None

4. Multiple Family Developments and Group Living.

a. Minimum Lot Area. The minimum lot area in Table 5.5.06.A. shall apply to multiple-family developments and group living, except for adult foster care family homes which shall comply with the requirements for detached single family dwellings.

~~b. Multiple-Family Developments – Minimum Lot Area Reductions. In the TN Districts, a Special Land Use to reduce the minimum lot area for a multiple family development may be considered where it is demonstrated that the proposed development complies with the Purpose and Intent of the District and where all other requirements of this Chapter have been satisfied.~~

C. Lot Width.

1. Lot Widths Not Established. On blocks where lot widths are not established, Table 5.5.06.A. Site Layout and Building Placement shall apply.
2. Established Areas. On blocks where lot widths are established, the following shall apply.
 - a. Detached Single-Family Dwellings.
 - i. For detached single-family dwellings on interior lots, the lot width shall be at least the median lot width of interior single-family lots on the same block. For the purposes of this calculation, the same block is defined as both block faces, and in the same Zone District, not to exceed five (5) lots on each side of the subject parcel and five (5) lots directly across the street.
 - ii. For detached single-family dwellings on corner lots, the minimum lot width in Table 5.5.06.A. shall apply.
 - b. Two-Family Dwellings.
 - i. For two-family dwellings meeting the locational requirements of Section 5.5.05.C.a, the minimum lot width may be equal to the median lot width of single-family lots on the same block and are not eligible for any lots width reductions as provided in Sections 5.5.06.B.3.b.iii. and iv.
 - ii. Except as otherwise permitted in b.i. above, For new construction for two-family dwellings on interior lots, the minimum lot width shall be thirty (30) percent larger than the median lot width of single-family lots on the same block. For the purposes of this calculation, the same block is defined as both block faces, in the same Zone District, not to exceed five (5) lots on each side of the subject parcel and five (5) lots directly across the street. In no case shall the lot width be less than the minimum established in Table 5.5.06.A. except as provided in Sections 5.5.06.B.3.b.iii. and ~~iv~~.
 - iii. For two-family dwellings on corner lots, the minimum lot width in Table 5.5.06.A. shall apply except as provided in Sections 5.5.06.B.3.b.iii. and ~~iv~~.
 - ~~ii.~~
 - c. Multiple Family and Group Living. The minimum lot width in Table 5.5.06.A. shall apply except for adult foster care family homes which shall comply with the regulations applicable to detached single family dwellings.
 - d. Administrative Departure. An Administrative Departure of two (2) feet may be approved. In no case shall the lot width be smaller than the minimum established in Table 5.5.06.A.

D. Front Setbacks and Required Building Line (RBL).

1. Front Setbacks Not Established - TN Traditional Neighborhood and MCN Mid-20th Century Neighborhoods. On blocks where the front setback or RBL is not established, the RBL in Table 5.5.06.A. Site Layout and Building Placement shall apply.

2. Established Areas. On blocks where the front setback or building line is established, the following shall apply:
 - a. For all residential dwellings on all lots, the Required Building Line (RBL) shall be equal to, or the median of, the front setbacks of existing main buildings on the same block. For the purposes of this calculation, the same block is defined as both block faces, in same Zone District, not to exceed five (5) lots on each side of the subject parcel and five (5) lots directly across the street. In no case shall the RBL be less than the minimum established in Table 5.5.06.A.
 - b. Where an established RBL is not present, the minimum setback defined in Table 5.5.06.A. shall apply.
 - c. An Administrative Departure up to ten (10) feet of the established RBL may be permitted to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition or where the setbacks of existing buildings on the subject block are inconsistent. The Required Building Line may be determined by referencing the front setbacks of the adjacent properties.

E. Side Yard Setback.

1. Side Yard Setbacks. Table 5.5.06.A. Site Layout and Building Placement shall apply to side yard setbacks.
2. Side Yard Setbacks Between Districts.
 - a. Residential. In no case shall side yard setbacks be less than five (5) feet on each lot between two (2) residential Zone Districts or uses, unless specified otherwise.
 - b. Residential and Non-Residential. A minimum distance of ten (10) feet shall be maintained on each lot between residential and non-residential Zone Districts or uses.
3. Exceptions for Attached Single-Family Dwellings. Exceptions to the side yard requirements for attached single-family dwellings are provided in Section 5.9.06.
4. Corner Lots. Corner lots shall have two (2) front yards, two (2) side yards, and no rear yard.
5. Administrative Departure. An Administrative Departure up to two (2) feet in a side yard setback may be permitted to accommodate individual site conditions, such as healthy mature trees, topography, or other similar physical condition.

F. Rear Yard Setback.

1. Rear Yard Setbacks. Table 5.5.06.A. Site Layout and Building Placement shall apply to rear yard setbacks.
2. Administrative Departure. An Administrative Departure up to five (5) feet in a rear yard setback may be permitted to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition

G. Building Facade Along Required Building Line. The building facade along the RBL shall meet the requirements of Table 5.5.06.A.

H. Minimum Required Greenspace at Grade.

1. Purpose. The minimum greenspace requirements are designed to ensure a sufficient amount of area of greenspace for recreation and nature, as well as to provide pervious surface to assist in stormwater management.
2. Applicability. The minimum required greenspace, as defined by Article 16, shall apply to each lot in its entirety, including driveways.
3. Stormwater Credit. No more than twenty-five (25) percent of pervious surfaces, such as grass pavers, uncovered decks, brick pavers with a sand base, pervious concrete and asphalt, may be applied toward the greenspace requirements of this Section.
4. Front Yards. Front yards shall consist of greenspace, and impervious surfaces shall be limited to driveways and private sidewalks.
5. Multiple-Family Exception. A reduction of not more than twenty-five (25) percent of the required greenspace listed in Table 5.5.06.A. for a multiple-family property is permitted for development projects with the submission of a stormwater mitigation plan that retains one hundred (100) percent of all stormwater on site, as approved by the City's Environmental Protection Services Department (EPSD); and submittal of a LEED checklist and proof of registration that demonstrates the intent to apply for LEED building certification, or other generally recognized sustainable building certification.
6. Multiple-Family Administrative Departure. An Administrative Departure for a multiple-family property may be approved to permit permanent planters, vegetated walls and green roofs that are readily accessible and safe for residential occupants to be included in greenspace calculations. These items shall be measured in square feet of surface area.

I. Residential Bonuses.

1. Purpose. The Master Plan calls for a range of housing types and price points within neighborhoods to accommodate all residents regardless of income, special need or place in life cycle. Developments can receive bonuses as outlined in this Section by providing additional accessibility and housing that is affordable to a wide range of residents.
2. Housing Bonuses. Bonuses are available for two-family and multiple family developments in accordance with the provisions of Table 5.5.06.I.2.

Table 5.5.06.I.2. Summary of Available Residential Bonuses				
Condition		Districts	Incentive/Bonus	Bonus
Accessible Housing	Two-family residential	LDR, MDR	5.5.06.I.3.a	Reduced minimum lot area/width
	Multiple-family residential		5.5.06.I.3.b	Reduced lot area per dwelling
Mixed-Income Residential	Two-family residential	LDR	5.5.06.I.4.a	Reduced minimum lot area/width
Mixed-Income Residential	Multiple-family residential	LDR, MDR	5.5.06.I.4.b	Reduced lot area per dwelling

3. Accessible Housing. Bonuses are available for two-family and multiple family developments when units are designed and constructed to meet the ANSI A117.1 standards for Type B accessible units when the following conditions are met.
 - a. Two-Family Developments. The minimum lot area for two-family residential developments may be reduced where the conditions of Section 5.5.06.B.3.b.iii. are met.
 - b. Multiple-Family Developments. The minimum lot area for a multiple family development may be reduced by up to five hundred (500) square feet per dwelling unit when at least twenty-five (25) percent of the units are accessible.
4. Mixed-Income Housing. Bonuses are available in accordance with the provisions of Table 5.5.06.I.2. when the following conditions are met.
 - a. Two-Family Developments. The minimum lot area for two-family residential developments may be reduced where the conditions of Section 5.5.06.B.3.b.ii. are met.
 - b. Multiple-Family Developments. The minimum lot area for a multiple family development may be reduced by up to five hundred (500) square feet per dwelling unit for a project that satisfies the following criteria:
 - i. Project is located within three hundred (300) feet of a transit line;
 - ii. At least twenty (20) dwelling units are developed as part of the project;
 - iii. If rental units, not less than fifteen (15) percent nor more than thirty (30) percent of the total number of units are priced for households at or below sixty (60) percent of Area Median Income, as adjusted for family size, with rental charges remaining affordable for at least fifteen (15) years.
 - iv. If owner units, not less than fifteen (15) percent nor more than thirty (30) percent of the total number of units are priced for households at or below eighty (80) percent of Area Median Income, as adjusted for family size.
 - v. The remaining units are priced at market rate.
 - vi. The affordable units shall be comparable in unit sizes, amenities and location with the market rate units.
 - vii. The property owner agrees to the submission of annual reports to the City regarding certification of eligible tenants and purchasers, annual certification of rental property and monitoring of affordable rental housing requirements.

ARTICLE 9 USE REGULATIONS

Sec. 5.9.02. Applicability.

- A. Use Regulations and Approval Process of Table 5.9.02.
 - 1. Director Review. All uses shall be in accordance with the provisions of Section 5.12.16.
 - 2. Counter Reviews. All uses listed shall be in accordance with the provisions of Section 5.12.16.
 - 3. Special Land Uses. All uses listed shall be in accordance with the provisions of Section 5.12.09. Unless otherwise stated in this Article, ~~t~~The Planning Commission shall have the authority to waive or alter the Use Regulations contained in this Article provided the standards of Section 5.12.12.E. are substantially met.

Sec. 5.9.20. Multiple-Family Dwellings.

- A. Applicability. The following requirements apply to multiple-family dwellings, not including attached single-family dwellings, within any Residential Zone District, unless otherwise noted.
- B. Location.
 - 1. Except as otherwise permitted in Section 5.5.05.D.1.b.i. Mmultiple-family dwellings within the LDR and MDR zone districts shall be ~~permitted-located~~ on a Regional Street, Major City Street or City Collector Street, or within two hundred (200) feet of a Regional or Major Street as defined in the City's *Street Classification Policy*. ~~The Planning Commission may waive this requirement for redevelopment projects.~~
 - 2. For parcels within the TOD Zone District, a ground floor residential use is a Permitted Use, except that a Special Land Use approval shall be required when the use is proposed within one hundred (100) feet of a Major or Regional Street.
- C. Conversions. Existing single-family and two-family dwellings shall not be converted to a multiple-family dwelling except as provided in Sections 5.2.07. and 5.5.08.
- D. Open Space.
 - 1. Minimum Required Greenspace or Urban Open Space.
 - a. In the MCN and MON district, every residential unit shall have a minimum of sixty-five (65) square feet of greenspace or urban open space and the required open space must be provided on the same lot as the dwelling unit(s) it serves.
 - b. The open space area shall be substantially covered with grass, ground cover, shrubs, plants, trees or usable outdoor space open features, such as walkways or patios.
 - c. The open space area shall not be less than twelve (12) feet in any dimension.
 - d. The open space area must be usable, and cannot be occupied by mechanical equipment, dumpsters or service areas.

2. Required Rear Yard. In the MCN and MON districts, the required rear yard open space shall be within the rear yard, at ground level or, if on a terrace or patio, within four (4) feet of ground level. Where structures are in the rear yard setback and do not exceed six (6) feet in height, required open space may be provided directly above the structures.

E. Driveways and Parking. No driveways or off-street parking spaces (open or enclosed) shall be within the required rear yard space. Bollards, curbs, wheel stops or other similar features shall be provided to ensure that required rear yard open space is not used for off-street parking, loading or vehicle circulation.

F. Building Elements.

1. In addition to the Building Element standards of Section 5.5.07, where Small Multiple-Family residential developments are a Permitted Use within the LDR zone districts, the following standards must be met:

a. Building Footprint. The maximum building footprint of the primary structure shall be no greater than one-hundred and fifty percent (150) of the median building footprint of single-family structures on the same block. For the purposes of this calculation, the same block is defined as both block faces, in the same Zone District, not to exceed five (5) lots on each side of the subject parcel and five (5) lots directly across the street.

b. Building Width. The maximum building width of the primary structure shall be no greater than one-hundred and fifty percent (150) of the median building footprint of single-family structures on the same block. For the purposes of this calculation, the same block is defined as both block faces, in the same Zone District, not to exceed five (5) lots on each side of the subject parcel and five (5) lots directly across the street.

c. Building Separation. Where more than one structure is proposed, the minimum building separation shall be a minimum of ten (10) feet.

d. Entrances. In addition to the requirements of Section 5.5.07.E, one entrance on a multiple-family structure facing a Primary Street shall be allowed.

E.

ARTICLE 16 DEFINITIONS

Sec. 5.16.02. - Definitions.

H. Definitions—H.

HEDGE

A row of evergreen or deciduous shrubs planted close enough to form a solid barrier.

HEIGHT, BUILDING

See BUILDING HEIGHT.

HEIGHT, FENCE OR WALL

The vertical distance between finished grade and the highest point of the fence or wall to the top of the fence or wall, including posts, finials, or other supporting structures.

HEIGHT, STRUCTURE

When not a building, the vertical distance between the finished grade and the uppermost part of the structure.

HELIPORT

A landing area regularly used for landing and takeoff of helicopters, including landing pad, support buildings and equipment for refueling, parking, maintenance or repair.

HELISTOP

A landing area regularly used for landing and takeoff of helicopters, without the support services provided by a heliport, such as fueling stations, helicopter storage or other service or maintenance facilities for routine use.

HISTORIC STRUCTURE

A building or structure of historic value as designated in Chapter 68 Historic Preservation Commission of the City Code and/or designated by the county, State or Federal government as historic landmarks or structures.

HOME OCCUPATION

A business, profession, occupation or trade that is conducted within an owner-occupied principal dwelling unit for the economic gain or support of a resident of the dwelling unit and is incidental and secondary to the residential use.

HOSPITAL

A facility providing medical, psychiatric or surgical services for sick or injured persons primarily on an inpatient basis, including accessory facilities for outpatient and emergency treatment, diagnostic and testing services, laboratories, training, research and administration, and services to patients, employees or visitors.

HOUSEHOLD LIVING (DWELLING UNIT)

Residential occupancy of a dwelling unit by one (1) household, family or person. . Typical uses include those listed below. Household living does not include the facilities defined under GROUP LIVING.

1. DWELLING UNIT, ACCESSORY. A secondary and clearly subordinate dwelling unit that is contained within a detached single-family dwelling (primary dwelling unit), included within an accessory structure, or separate from but located on the same lot as a detached single-family dwelling. Also known as a "granny flat."
2. DWELLING UNIT, ATTACHED SINGLE-FAMILY. A single-family dwelling attached by a common vertical wall. This term includes town houses and row houses.
3. DWELLING UNIT, DETACHED SINGLE-FAMILY. A principal structure intended for occupancy by a single household, on a separate lot or parcel, and not sharing common structural elements with any other structure intended for occupation by another household.
4. DWELLING UNIT, HOME OCCUPATION. See HOME OCCUPATION.
5. DWELLING UNIT, LIVE-WORK. See LIVE-WORK UNIT.
6. DWELLING UNIT, MICRO-UNIT. A dwelling unit, included as part of a multi-unit development and located in a Mixed-Use Commercial zone district, with a total gross floor area of no more than four hundred and seventy-five (475) square feet.
7. DWELLING UNIT, MULTIPLE-FAMILY OR MULTI-FAMILY. A building or lot containing three (3) or more dwelling units, each of which is totally separated from the other units, any two (2) or more of which may be provided with a common entrance or hall. Includes dwelling units on upper stories of a structure with non-residential uses on other stories.
 - a. DWELLING UNIT, MULTIPLE-FAMILY, SMALL. A building containing four (4) or less separate dwelling units.
 - 7.b. DWELLING UNIT, MULTIPLE-FAMILY, OTHER. A building containing five (5) or more separate dwelling units.
8. DWELLING, TWO-FAMILY (DUPLEX). A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other.
9. MANUFACTURED HOUSING COMMUNITY. See MANUFACTURED HOUSING (HOME) COMMUNITY